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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,327	07/10/2001	David E. Zeidler	GIC-628	8459

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LAW OFFICE OF BARRY R LIPSITZ
755 MAIN STREET
MONROE, CT 06468

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2615

10

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,327

Applicant(s)

ZEIDLER ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election on 12/15/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15-28, 30-38 and 40-56 is/are pending in the application.
- 4a) Of the above claim(s) 4, 13, 19-28, 30-38 and 40-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION
Response To Restriction

1. Claims 19-28, 30-38 and 40-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to the nonelected species {II-IV}, there being no allowable generic or linking claim.

2. Election was made **without** traverse in Paper No. 9 species I and the corresponding claims directed toward that species.

Further the examiner further withdraws claims 4 and 13, "suspended when rerun", corresponding to path 2, species II, which was not elected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

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and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3, 6, 8-12, 15, 17-18 are rejected under 35

U.S.C. 103(a) as being unpatentable over Bodkin et al. (WO 01/11865) in view of Muguet (US 4,787,063).

Regarding claims 1-3, 5-6, 10-12, Bodkin discloses and meets the limitations associated with a PVR, personal versatile recorder, comprising:

- o receiving at the PVR a plurality of TV signals (Fig. 2, tuner 10 a & b),
- o providing for the recording of one or more TV programs to recording unit 13;
- o automatically controlling pausing or suspending of recording, for at least a portion of the time during the one or more TV programs (page 28, lines 13-15, not to record advertisements during the recording, pausing and resuming recording with respect to advertisement breaks, or commercials etc.....), wherein the predetermined criteria comprises an EPG, electronic program guide information (pages 15-16, page 23, "broadcast skip codes", page 28, "transmitted by the broadcaster", also see page 29, "event tables or EITs"), which guides the recording to pause and resume recording operation around advertisements.

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Bodkin further discloses that the broadcaster provides the start and end signals for breaks (page 28, lines 3-4), and further discloses receiving compressed digitally encoded video (page 9-10), etc., satellite (page 9), therefore, a program identifier of a digital TV signal.

Bodkin teaches programs can be broadcasted with skip signals indicating the start and/or end of parts of the programs {for example parts of programs separated by advertising breaks} (page 23), wherein the signals are transmitted in each channel together with the TV signals, but, fails to particularly disclose

- o providing an end notifier in the television signal which identifies the end of the program, and

continuing recording of the program **until receipt of the identifier.**

Muguet teaches providing a start and end signals, for beginning and end point of programs for recording, wherein upon receiving the end signal for a program, recording is stopped or halted (col. 12, lines 25-29), also for the beginning of the program a signal is provided which upon receiving the receiver is switched to the channel for the program, and the recorder is activated to record the desired program, wherein the signals are broadcast only when the program starts and ends (col. 11, lines

40-44) and (col. 11, lines 55-60), wherein as suggested by Muguet, a popular technique is to broadcast data during the blanking interval@, col. 9, lines 9-19, as taught by Muguet.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Bodkin by incorporating providing an end of program notifier in the TV signals which identifies the end of the program, wherein recording is continued till receipt of the notifiers, further the start of recording can also be accomplished for programs, upon receiving a start of program identifier from the broadcaster, as taught by Muguet.

Furthermore, a recorder as suggested by the combination could be provided with signals wherein upon the receipt of the signals, a recorder will start recording at the beginning and end recording at the end, also as suggested by the combination, would provide a means to pause around commercials, with signals provided by a broadcaster, upon receipt of the signals, identifying the beginning, ending and commercial locations, as suggested by the combination.

Regarding claims 8-9, 17-18, the combination further in view of Bodkin, meets the limitation of providing information to the PVR to support the receiving and decoding of notifiers, DTV,

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computer (page 12), in order to respond to the provided notifiers, eliminating commercials, as Bodkin does.

2. Claims 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bodkin et al.

(WO 01/11865) and Muguet US 4,787,063), as applied and further in view of Knudson et al. (US 6,141,488).

Regarding claims 7, 16 the combination fails to disclose wherein the PVR waits a predetermined time after the program end time to receive or act on the program notifier, terminating recording at the first occur

- o lapsing of the predetermined amount of time and
- o receipt of the end of program notifier.

Knudson teaches in the prior art (Fig. 3), (or Fig. 5, utilizing one event only, as Fig. 5, deals with multi. sequential time events), in a program guide system, to not act upon the end of program based on a clock, to extend recording by a predetermine amount of time, such as 3 minutes, to provide a high level of assurance of the recording of the end of desired program recording events (col. 1, lines 50-65), as taught by Knudson et al..

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Bodkin by

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incorporating the feature of extending the recording event time or to terminate recording after lapsing of a predetermined amount of time, beyond the notified end time, as taught by Knudson.

Response to Arguments

3. Applicant's arguments with respect to the claims 1-3, 6-12 and 15-18 corresponding to species I, have been considered but are moot in view of the new ground(s) of rejection.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information


1. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

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If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
3/5/04


VINCENT BOCCIO
PRIMARY EXAMINER